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C O N F I D E N T I A L BAKU 000682

SIPDIS

FOR EUR/CARC

E.O. 12958: DECL: 07/16/2018

TAGS: [PREL](#) [PGOV](#) [PHUM](#) [AJ](#)

SUBJECT: AZERBAIJAN: JUDICIAL PRESSURE AGAINST AGIL KHALIL  
GROWING

REF: A. BAKU 00629

[B.](#) BAKU 00481

Classified By: Ambassador Anne E. Derse for reasons 1.4 (b) and (d).

¶1. (C) Summary: In an expected outcome, a Baku court found Sergey Strehalin guilty of attacking opposition Azadliq newspaper correspondent Agil Khalil on March 13 and sentenced him to 18 months imprisonment. The proceedings, which Western observers agree resembled a show trial, were peppered with claims that Khalil was a homosexual. Khalil denied that Strehalin attacked him during the trial. Khalil and his lawyer, Elchin Sadikhov, told us the GOAJ probably aims to drag out a variety of legal proceedings involving Khalil in order to prevent him from leaving Azerbaijan. They also claim that the GOAJ, particularly the Ministry of National Security, is focused on deflecting public attention from the February 22 attack against Khalil. End Summary.

¶2. (C) On June 15, Baku's Nasimi district court found defendant Sergey Strehalin guilty on charges of attacking opposition Azadliq newspaper correspondent Agil Khalil and possessing narcotics. Judge Shahin Abdullayev sentenced Strehalin to 18 months imprisonment. Strehalin's lawyer has pledged to appeal the case, requesting that Strehalin serve no prison term because he does not have a prior criminal record. The Strehalin trial has focused on the prosecution's charge that Strehalin and Khalil were homosexual lovers and that Strehalin stabbed Khalil on March 13 after an argument. Throughout the trial, the prosecutor repeatedly raised the theme of Khalil's homosexual orientation. Azerbaijani authorities -- including Presidential Advisor Ali Hasanov -- have maintained that Khalil is not permitted to leave Azerbaijan because he is a mandatory witness in the Strehalin trial.

¶3. (C) Additionally, on June 10 or 11, "Daily Baku" newspaper editor Adil Huseynli filed a lawsuit against Khalil, charging Khalil with personally insulting Huseynli and the newspaper's co-editor. ("Daily Baku" previously was considered an opposition-oriented newspaper.) Khalil's lawyer, Elchin Sadikhov, told us it is still unclear whether Baku's Yasamal district court has accepted the lawsuit, as the court has not yet notified Sadikhov. Khalil and Sadikhov told us, however, that the GOAJ seeks to draw out a variety of legal proceedings involving Khalil in order to prevent him from leaving Azerbaijan. They said the GOAJ probably fears that if Khalil is allowed to leave the country, there could be increased international scrutiny of Azerbaijan's media freedom problems.

¶4. (C) Per ref A, the Embassy has identified Khalil as a candidate for the U.S. Resettlement Program as a Priority One referral, based on Khalil's claims that he is being pressured

by GOAJ elements to drop his criminal complaint against two individuals he claims attacked him on February 22. (Khalil claims these two individuals are linked to the Ministry of National Security (MNS). Per ref B, MNS chief Mahmudov told the Ambassador on May 22 that MNS employee Akif Chovdarov -- one of the two individuals identified by Khalil -- is linked to the February 22 case.) The prosecutor general's office closed Khalil's criminal case against the two individuals, citing the lack of sufficient evidence, but Khalil is appealing this ruling. PRM has authorized processing of Khalil, with DHS/USCIS to make the final determination based on a personal interview. While Khalil initially was concerned about his personal safety, the Ministry of Internal Affairs did provide him with two personal bodyguards, and he told us on July 14 that he feels less concerned about his safety.

¶5. (C) Comment: We are concerned by Khalil and Sadikhov's belief that the GOAJ may be intentionally dragging out juridical proceedings involving Khalil to prevent him from leaving the country. Western observers at the Strelkalin trial also agree that the proceedings resembled a show trial, with Strelkalin's lawyer being unwilling to take advantage of Khalil and Sadikhov's testimony that Strelkalin was not guilty. Khalil and Sadikhov also told us the GOAJ, particularly the MNS, is focused on deflecting public attention from the February 22 attack against Khalil. Septel will provide our analysis of the broader implications of this case.

DERSE